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EXAMINER	
TRAN, THAI Q	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/601,712	AUSTIN, KENNETH	
	Examiner	Art Unit	
	Thai Tran	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32 and 36-47* is/are pending in the application.

4a) Of the above claim(s) *36-39 and 47* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32 and 40-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 September 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/27/00 & 7/20/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-32 and 40-46 in the reply filed on Feb. 07, 2005 is acknowledged. The traversal is on the ground(s) that Groups I, V, VI and VII relate to single general inventive concept under PCT Rules 13.1 and 13.2 (Groups II-IV were cancelled without prejudice by the Preliminary Amendment filed on August 4, 2000), that the subject matter in Groups I, V, VI and VII is so closely related that a search and examination can be conducted without serious burden to the Examiner, and withdrawal of the Restriction Requirement would not place an undue search burden on the Examiner, particularly in view of the fact that the Office now exclusively utilizes computerized searching. This is not found persuasive because as stated in the last Office Action, Groups 1, V, VI, and VII are independent and distinct and are not relate to a single general inventive concept, for example,

Group I is directed to a video storage media control system;

Group V is directed a closed loop video recorder;

Group VI is directed to a system for controlling a video recorder or other media device for selective enabling and disabling of associated functions; and

Group VII is directed to a video recorder or other media device index generation method. They are independent and distinct and are not relate to a single general inventive concept because they have different functions, operations or structures. Computerized searching and examination of all of four groups are serious burden to the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it is longer than 150 words.

Correction is required. See MPEP § 608.01(b).

4. The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Claim Objections

5. Claims 1-32 and 40-46 are objected to because of the following informalities:

Claim 1, last line, "conventional" should be deleted and

Claim 30, last line, "conventional" should also be deleted.

The remaining claims are objected for the same reason as discussed in claim 1

above. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-32 and 40-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuen et al. (US. 2003/0194200 A1).

Regarding claim 1, Yuen et al discloses a video storage media control signal (Fig. 1) comprising means (microprocessor controller 31 and VCR control logic 21 of Fig. 1, page 7, paragraph #0162) operable to control a video media storage device, means (page 9, paragraphs #0182, #0183, and #0184) for determining video media position, means (page 15, paragraphs #0255 and #0257) for identifying the contents of the video media and the position thereof on the media, means (page 43, paragraphs #0531 and #0539) for determining the amount of media available for recording, be it unrecorded media or portions thereof selected as available for recording over, and means (page 43, paragraphs #0539, #0540, and #0541) providing display of control menus from which video media storage device control options can be selected including selection of material to be recorded and characterized in that the means for determining video media position and the means for identifying the content of the video media are based on signals present on the conventional video output terminal (page 15, paragraphs #0255 and #0257).

Regarding claim 2, Yuen et al discloses the claimed that the video media position is determined by reading position data recorded on the video storage media (page 15, paragraphs #0255 and #0257).

Regarding claim 3, Yuen et al discloses the claimed that the video media position is determined by establishing a match or relationship between a data sequence or data value generated from contents of the media with data sequence or data value generated from contents of the media with data sequences or a data value stored in the memory for one or more video media to which data sequences or a data value incorporate position related information (page 15, paragraphs #0255 and #0257).

Regarding claim 4, Yuen et al discloses the claimed means (page 11, paragraph #0207) for automatically controlling the video media storage device transport functions to locate a desired position on the video media storage devices.

Regarding claim 5, Yuen et al discloses the claimed that the video media storage device is a tape storage device (page 11, paragraph #0207).

Regarding claim 6, Yuen et al discloses the claimed that the means for determining video media (tape) position is based on signals or data received from a tape reading means (page 15, paragraphs #0255 and #0257).

Regarding claim 7, Yuen et al discloses the claimed that control is instigated using an infrared control signal (page 14, paragraph #0248).

Regarding claim 8, Yuen et al discloses the claimed means for encoding the data to be recorded on the tape at prescribed intervals (page 15, paragraphs #0255 and #0257).

Regarding claim 9, Yuen et al discloses the claimed that the data comprises one or more of time code, frame number, total frames and session name (pages 10-11, paragraph #0202).

Regarding claim 10, Yuen et al discloses the claimed wherein he data is recorded in selected Vertical Blanking Intervals (page 15, paragraphs #0255 and #0257).

Regarding claim 11, Yuen et al discloses the claimed that the tape is automatically repositioned to a selected desired position utilizing characterization data determined for the tape storage device (page 11, paragraph #0207).

Regarding claim 12, Yuen et al discloses the claimed reading onto the tape an index of material recorded on the tape which provide readable information identifying the nature of the recorded material and its position the tape (page 15, paragraphs #0255 and #0257).

Regarding claim 13, Yuen et al discloses the claimed that multiple file indexes are recorded on the tape, one after each recording session (page 15, paragraph #0259 and page 16, paragraph #0264).

Regarding claim 14, Yuen et al discloses the claimed that the successive file indexes are cumulative (page 15, paragraph #0259 and page 16, paragraph #0264).

Regarding claim 15, Yuen et al discloses the claimed memory means (RAM 33 disclosed in page 9, paragraph #0176) external to the tape for holding the content of at least one file index.

Regarding claim 16, Yuen et al discloses the claimed that the signals received form the reading means are the video output signals of the video recorder which represent contents of the video media, be it the visible content, audio content or close caption data other signals recorded on the video media, and any of said contents are used to generate a data sequence or data value from which tape position is determined by comparing said data sequence or data value with data sequences or a data value stored in memory (page 11, paragraph #0207 and page 15, paragraph #0259 and page 16, paragraph #0264).

Regarding claim 17, Yuen et al discloses the claimed that the data sequence or data value for a plurality of video media are stored in memory (RAM 33 disclosed in page 9, paragraph #0176).

Regarding claim 18, Yuen et al discloses the claimed that at least some of the data sequences of the data value stored in memory have appended thereto data which facilitates reproduction of the image of at least one frame of the sequence (RAM 33 disclosed in page 9, paragraph #0176).

Regarding claim 19, Yuen et al discloses the claimed that the memory contains stored images of a plurality of frames taken at intervals along the video media (RAM 33 disclosed in page 9, paragraph #0176).

Regarding claim 20, Yuen et al discloses the claimed means for sending commands to the apparatus to instigate positions of the video media at a desired position, and wherein he desired position is arrived at automatically by reading the video media to obtain position information by establishing a match or relationship between a

data sequence or data value generated from contents of the media with data sequences or data vale stored in the memory for one or more video media, which data sequences or data value incorporate position relate information and changing the position of the video media until the desired position has been obtained (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176).

Regarding claim 21, Yuen et al discloses means (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524) for sending commands to the apparatus to instigate positioning of the video media at a desired position, which position is selected from an on screen display, which display comprises one or more screen images of the contents of the video media and wherein the desired position is arrived at automatically by reading the video media to obtain position information, direction or indirectly, and changing the position of the video media until the desired position has been obtained.

Regarding claim 22, Yuen et al discloses the claimed that the contents are stored in electronic memory or on video storage media, be it magnetic or optical, the index comprising a plurality of images corresponding to each of the contents of the video storage medium at different positions thereof and wherein the index is adapted to be read and displayed on a television screen, enabling the selection of one or more of a plurality of scenes of the recorded content (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 23, Yuen et al discloses the claimed that selection of the material to be recorded is selected from an electronic programming guide (page 32, paragraphs #0423 and #0424).

Regarding claim 24, Yuen et al discloses the claimed that the contents of the video media are stored in memory in the form of one or more images taken at intervals and images which are available for display on screen (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 25, Yuen et al discloses the claimed that each image has an associated sequence of images stored in memory which can be reviewed by a user command (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 26, Yuen et al discloses the claimed that the images comprise a sample of the contents of the video media at periodic intervals of the video medium (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, page 42, paragraphs #0523 and #0524, and page 15, paragraphs #0255 and #0257).

Regarding claim 27, Yuen et al discloses the claimed that the contents of the memory tape include audio signals (page 7, paragraph #0163).

Regarding claim 28, Yuen et al discloses the claimed that selection provisions allow a user to playback the video starting from the position of any one of the display images (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 29, Yuen et al discloses the claimed that the selection provisions allow the user to mark the displayed images for recording over (pages 32-33, paragraphs #0427 and #0428).

Regarding claim 30, Yuen et al discloses the claimed (1) issuing the necessary commands to the video storage media device to enable it to play the associated media, (2) reading the video media to determine the content and/or position thereof, (3) using content and/or position related information to determine if sufficient room is available for recording the selections, (4) using the necessary commands to cause said video storage media device to record material based on said selections at a designated position of the media based on calculations of the free space or space marked for overwriting and wherein the contents and/or position of the video media are determined from signals present on the conventional video output terminal (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 31, Yuen et al discloses the claimed the contents and/or position related information is determined by reading data recorded on the tape (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 32, Yuen et al discloses the claimed the contents and/or position related information is determined by comparing or verifying a relationship between a sequence of data signals or a data value generated by reading the contents

of the tape with a pre-stored sequence of data signals or data value (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, and page 42, paragraphs #0523 and #0524).

Regarding claim 40, Yuen et al discloses the claimed a graphical user interface adapted to display information relating to television program content and/or data content from other sources such as the Internet and video recorder or other media device content, wherein selections are made from said television program content and/or data content from other sources for recording onto video tape or other media whereby calculation of available free space on said video tape or other media is displayed and whereby if insufficient space is available for recording original selections may be modified and/or some or all or the video tape or other media contents may be selected for overwriting (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 41, Yuen et al discloses the claimed that the graphical user interface is adapted to display the status of items recorded on video tape or other media as to whether the recorded item has been viewed (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 42, Yuen et al discloses the claimed that the graphical user interface is adapted to display information relating to one or more video tapes or other

media contents, wherein the contents of said video tape or other media is displayed either graphically or texturally according to the category of the recorded material, said category could be the type of recorded material or whether the item is suitable for a particular age of viewer or whether the items have been viewed or any other criteria (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, page 43, paragraphs #0539, #0540, and #0541, and page 48, paragraphs #0622 and #0623).

Regarding claim 43, Yuen et al discloses a graphical user interface adapted to display information relating to television program content and/or data content from other sources such as the Internet and/or video recorder or other media device content, wherein said display information comprises a visual representation such as a picture indicating the contents of said television program content and/or data content form other sources such as the Internet and/or video recorder or other media device content (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 44, Yuen et al discloses the claimed that said visual representation are stored in memory, at least temporarily, to permit on screen display (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 45, Yuen et al discloses the claimed that the graphical user interface is adapted to display television program content information by category such as what is currently showing and/or what will be showing next and/or what is showing that day and/or what will be showing that week (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

Regarding claim 46, Yuen et al discloses the claimed to filter said television program content by category of user preference such as channel number or type of television program or other category (page 11, paragraph #0207 and RAM 33 disclosed in page 9, paragraph #0176, pages 32-33, paragraphs #0427 add #0428, page 42, paragraphs #0523 and #0524, and page 43, paragraphs #0539, #0540, and #0541).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to video recorder.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ